

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6932

BILL NUMBER: SB 383

NOTE PREPARED: Dec 29, 2008

BILL AMENDED:

SUBJECT: Parental Rights for Parents on Active Duty.

FIRST AUTHOR: Sen. Arnold

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a court from modifying, amending, or issuing an order that modifies custody, parenting time, or child support of a parent on active duty if the motion for modification was filed during the time the parent is on active duty. The bill allows a court to enter a temporary order modifying the custody, parenting time, or child support of a parent on active duty if the court determines that modification would be in the best interests of the child. It also requires the court to reinstate an order that was in effect at the time a parent was called to active duty upon the parent's return.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed. Of this amount, 70% would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: This bill will increase court caseload to the extent that a court issues temporary orders to modify custody, parenting time, or support of a parent while the parent is on active duty

and then subsequently must reinstate any order that was in effect before the date of active duty. Actual increases in court caseload are indeterminable but expected to be minimal.

Background Information: The U.S. Department of Defense reports that there are currently 23 servicemen and women who are on active duty serving overseas in conflict and who claim Indiana as their state of residence. The Indiana Department of Veterans' Affairs reports that there are currently 5,270 National Guard and Reserve soldiers that are currently on active duty in conflict. Of these individuals, it is not known how many are named in orders involving child custody, parenting time, or child support or how many motions for modifications of these orders may be submitted to courts.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources;

The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. For every additional defendant identified in the petition, there is an added fee of \$10 that is deposited to the county general fund. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: Courts.

Information Sources: U.S. Department of Defense; Tom Applegate, Indiana Department of Veterans' Affairs.

Fiscal Analyst: Bill Brumbach, 232-9559.